

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 21, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, October 23, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Walter C. Johnson, Zion Prospect Baptist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation, appeared before the Board to discuss highway matters of interest to York County. He noted there are still some issues outstanding from the Board's last Regular Meeting. The Department is still aggressively working on debris cleanup, and it appreciates everyone's patience. He stated that most issues discussed last month have been resolved. As of September 18 all VDOT resources are being redirected to the cleanup efforts. Other things are on hold, and he spoke of the Route 171/Victory Boulevard lane extension. There's opportunity to utilize one of the through lanes as a turn lane to make the flow better. There will be different traffic patterns, and VDOT will advise motorists as soon as possible.

Mr. Shepperd thanked Mr. Hicks for the work and effort into getting a strip of Route 171 and Route 134 paved in the turn lane coming from Langley. He asked for an indication of what is being done for tree removal from the ditches.

Mr. Hicks responded that the Department has a contract with DRC to remove debris that is in the right-of-way. In drainage easements or ditches they are removing all debris. Unfortunately, he stated they are talking about over 100 cubic yards. A lot of shifts are working, but the Interstate was the first priority.

Mr. Shepperd noted that at 1926 Yorktown Road the sand bags are starting to collapse into the ditch. He suggested that VDOT take a look at reengineering the ditch system at 808 and 813 Carys Chapel Road because the water stays about 2 feet deep all the time, and a natural dam is starting to form.

Mr. Wiggins asked Mr. Hicks to share the good news he received earlier with regard to Seaford Road.

Mr. Hicks stated in July the funds became available for the design and contract to provide 2-3 foot paved shoulders. VDOT is advertising the project and meeting with contractors on the 28th to describe the scope of work.

Mr. Wiggins asked if Mr. Hicks feels the speed limit near the fire station and the houses on Back Creek Road will change.

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Mr. Hicks stated it looks favorable to reduce the speed limit. The whole stretch of Back Creek Road will have to be reduced to 35 MPH if approved by the Commonwealth Transportation Board.

Mrs. Noll asked when the speed limit on I-64 changed to 60 MPH.

Mr. Hicks indicated he was not aware of the time, and he would have to get back to her.

Mrs. Noll expressed her appreciation to VDOT for the resurfacing work that has been accomplished.

Mr. Zaremba indicated that VDOT often gets beat up, but the area has just come out of a disaster, and it is apparent that VDOT has an awesome responsibility. With respect to the mission of cleaning and clearing roads to the extent VDOT was part of the operation on all roads, Mr. Zaremba stated he felt that VDOT has did an outstanding job.

Chairman Burgett noted that he was convinced that after the hurricane the lights on Route 17 were no longer synchronized.

Mr. Hicks stated that new traffic studies are being done on volumes that prove that the traffic is increasing. He indicated VDOT has received CMAQ funds to do some traffic signalization, and all the lights will be upgraded, as well as looking at key intersections for additional turn lanes. He stated it was about \$1 million worth of improvements.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

After a short presentation by Mr. Tom Gallagher regarding Mr. Woolley's tenure with the County, Chairman Burgett presented George J. Woolley, III, Department of Environmental and Development Services, with his 25-year service pin and certificate.

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated that in early December the Board will be looking at revisions to the Building Maintenance Code at a work session. He stated many attorneys were surprised to find that the International Building Code was adopted a couple of weeks ago by the State, and it is now a merger of the old BOCA Code and the Southern Code which will provide broad applicability. He noted it may give the Board some flexibility that it has not had for several years. Mr. Barnett stated he would be working with Ms. Harris and others on a presentation for the Board.

Mr. Zaremba noted he had received a call today concerning trees that have fallen in a subdivision's common area. He asked if the County has any involvement or enforcement authority with respect to insuring that downed trees that have the potential to be a hazard do not become so.

Mr. Barnett indicated that under normal circumstances the County has no responsibility or authority. Common areas are owned by the homeowners' association, and the trees would be its responsibility.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reviewed the Board's calendar for the remainder of the year. He stated that staff is still spending quite a bit of time on the hurricane recovery effort and getting documen-

tation together for reimbursement from FEMA. Staff is beginning the debriefing process to improve the County's emergency plan. He noted that staff is deeply involved in the debris removal process. He then noted that Mr. Hudgins was present to give the Board an update on the process.

Mr. John Hudgins, Director of Environmental and Development Services, gave an update on the debris removal process. He stated the County has doubled the amount of pickup from the last report, about 370,000 cubic yards, averaging about 12,000 cubic yards a day. He indicated that last week there were high winds, and no burning could take place. He stated the first pass through in the neighborhoods has been completed, and staff has been sent out looking for any areas that were missed. The second and third passes in the harder hit areas are now taking place. The biggest challenge now is County drainage easements. Staff has finished surveying the areas, which are pretty well devastated with debris and trees, and is negotiating a contract to get in there and pick that debris up. Staff is also coordinating with FEMA and documenting these areas so that the County can get reimbursed for the cleanup of those areas. Concerning private lanes, Mr. Hudgins stated FEMA will not reimburse for picking up debris on private property. He noted the FEMA representative was asked to visit the County's private streets with staff, and they have to assess each street individually. Staff is waiting on a ruling from FEMA regarding reimbursement for these areas, and they ask the citizens to be patient.

Mr. Zaremba asked how long did Mr. Hudgins anticipate the pickup to continue.

Mr. Hudgins stated staff was hoping to be finished by the second Friday in December based on a 60-day projection. He indicated staff will do what has to be done to get the debris all picked up. As staff gets a better feel for the timeframe, a more firm date will be sent out to the citizens.

Discussion followed on how temporary employees have been hired and trained by FEMA guidelines to measure the debris that is being picked up.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll reminded people that Election Day was coming up. There are some contested races, and she stated it is up to the voters to get out there and decide who they want to represent them. Mrs. Noll encouraged citizens to take part in the electoral process.

Mr. Wiggins discussed the promises the citizens were made after the hurricane hit. He noted that Cox, MCI, and Verizon indicated people in the County were out of service for a couple of weeks, and they said they would not charge for the time they were out. He explained that when citizens call the companies, there is an elaborate series of numbers to dial, and many people give up. He stated he feels the companies do it on purpose to keep from reimbursing the people who had no service. A citizen suggested that the County contact the service companies and request that these charges be removed from the citizens' bills, and he asked that the County Administrator check into this suggestion.

Mr. Zaremba spoke of an article in the Daily Press dated October 18 entitled "No Decrees to York to Clean Up Eyesores Yet" regarding property maintenance laws. He stated that on December 9 the Board of Supervisors would have a work session to discuss whether or not York County should put more teeth into its ordinance addressing commercial and residential property maintenance. He asked the citizens to correspond with the Board on their feelings regarding this issue. Mr. Zaremba then addressed the aftermath of Hurricane Isabel, noting that many people were still digging out and cleaning up. He spoke of having to deal with insurance companies, suggesting if residents are not satisfied with their insurance company to contact a Public Adjuster who will represent the homeowner in negotiations with their insurance company.

Mr. Shepperd spoke of the military personnel overseas in Iraq, and he asked the citizens to look at the positive things that are happening for the people of Iraq because of the U.S. presence. He stated these people now have access to things they did not have before such as religious rights, newspapers, revitalized education, entertainment, and books that were before banned. He stated these people are being given a chance because of the U.S. and its troops.

Chairman Burgett addressed an abandoned car that was parked at one of the County's abandoned service stations. He stated this occurrence was disrespectful to every citizen in York County. He indicated the County's revitalization program is important, and there are things the Board needs to do to keep such instances from happening. He stated the Board has asked for a new ordinance to eliminate abandoned gas stations, and staff is working on it. Mr. Burgett then noted he had attended the York County Chamber of Commerce grand opening, stating the new organization was doing well and doing a lot for the County's business community. He stated the Board also had its annual legislative breakfast and had a very honest exchange with the County's legislators on how to promote York County issues. He indicated the Board and legislators will conduct a critique after the 2004 session of the General Assembly to see what could have been done to be more effective. Mr. Burgett also noted the Wawa grand opening had taken place, and it was a very nice facility. Yorktown Day was terrific, and Mrs. Noll represented the Board well. He then noted that the Industrial Development Authority along with Office of Economic Development was sponsoring an Occasion for Industry at 6:00 p.m. tomorrow night at the Ramada Inn 1776.

Meeting Recessed. At 7:54 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. UP-621-03, FAITH FOR LIVING DELORIS BORUM MINISTRIES, INC.

Mr. Carter made presentation on Application No. UP-621-03 to consider approving a use permit to authorize the establishment of a transitional home located at 124 Goodwin Neck Road. The Planning Commission considered the application and recommended approval. Staff recommends approval through the adoption of proposed Resolution R03-168.

Mr. Wiggins stated he met with the church members and the residents of Acree Acres, and he doesn't think any of the Board members are opposed to the concept. He noted that one concern was the amount of the long narrow part at the back of the property, and he asked if there would be enough lot size to add on an addition.

Mr. Carter stated it would be very tight. If the proposal was to cut off the back third and propose another facility, there would be problems with access and emergency services access. He stated this would require a use permit, and he feels the Board would be very concerned.

Discussion followed on how mothers and children will share the suites in the facility.

Mr. Wiggins asked if the home would just serve York County residents.

Mr. Carter stated there was no condition proposed to restrict eligibility to York County residents, and he did not think it was the applicant's intent.

Mr. Wiggins indicated that the County needs this service for York County citizens, but the County is also providing for the education of the children living in the facility. He stated he would like to see it as a condition that the facility be for York County residents only.

Mr. Zaremba questioned what would happen if the ministry decided to stop this service. He asked what other use could the church make of the home once built, and would it be confined to the special use permit criteria.

Mr. Carter stated it would be confined to either a transitional home or a single-family residence because the property is zoned residential.

Mr. Zaremba stated he feels the initiative is very commendable, but he is concerned that there is another initiative in the upper county to establish a transitional home for the homeless. He stated the developer there would like to do it in an existing residence which is in the middle of our economic development area.

Mr. Carter stated the one in the upper county would not conform to the Zoning Ordinance or the Comprehensive Plan. He stated staff has advised the party that the property would require rezoning, and the rezoning would be inconsistent with the Comprehensive Plan and the Zoning Ordinance.

Mr. Shepperd noted that the minimum stay in the facility is three months, and he asked what would happen if the client didn't stay.

Mr. Carter noted the church wants to set up a help program for the residents, and the minimum amount of time of commitment is three months. He stated the applicant won't lock the doors, but they will do initial screening of applicants to make sure they are the types who want to take advantage of the program.

Mr. Shepperd indicated the children will go to York County schools, and the school buses will pick them up. He asked if there is any plan for what the children will do on the property.

Mr. Carter stated there would be plenty of yard space where they could play.

Mr. Hoover Hawkins, 100 N. Margaret Court, speaking on behalf of the applicant, stated Natasha House was to be a transitional home for homeless women and their children with counseling service. He addressed the term "homeless," indicating today they are people who may already be in our neighborhoods. It may be a family that is torn by divorce and needs help to get back on their feet and be self-sufficient. He stated it does not mean they are uneducated or poor. He stated Natasha House would offer a place to live, training, and counseling. All clients will be carefully screened. It will not be an emergency shelter. Mr. Hoover stated the house will be designed to fit well with the community and other residential developments in the area, and he urged the Board of Supervisors to agree with the Planning Commission's unanimous recommendation.

Mr. Wiggins asked if the applicant intends this facility to be for York County citizens.

Mr. Hawkins stated York County residents would have first priority.

Mr. Wiggins asked if the applicant would have a problem with making it a condition that the facility be for York County residents only.

Mr. Hawkins stated he did not know, that it would be up to the House's Board to decide.

Chairman Burgett then called to order a public hearing on Application No. UP-621-03 that was duly advertised as required by law. Proposed Resolution R03-168 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A TRANSITIONAL HOME AT
124 GOODWIN NECK ROAD

Ms. Mati Brisbane, 221C Thoreau Circle, indicated she was present to support the Natasha House application. She stated she was the Executive Director for Homebase Virginia that provides shelter placement for people on the Peninsula. She stated that from her experience there is a crisis in York County and all over the United States dealing with people needing shelter. There is a growing homeless population, and the face of homelessness has changed because the structure of society has changed. She stated another issue is that individuals in their 30s, 40s, and 50s with permanent disabilities are being seen more frequently, and they are still raising young children. Ms. Brisbane urged the Board to approve the subject application.

Reverend Donald Freeman, 711 W. Willow Point Place, Newport News, representing the Faith Community in York County and Vice President of York County Ministers, stated they feel like there is a mandate to reach out to those of us less fortunate. He stated the County is an affluent area and can give back to the community through this initiative. He stated he feels this project would be an excellent way to address a real need.

Ms. Karen Scott, 10 W. Sewell Avenue, Hampton, stated that five years ago she was a homeless York County resident with three children. She urged the Board to approve the application, stating that with assistance she was given training and the opportunity to get her life back together. Ms. Scott stated she was part of the planning for Natasha House, and she would appreciate the opportunity to give back to York County.

Ms. Deloris Borum, 515 Old York/Hampton Highway, stated she was the one responsible for this initiative, noting she came to York County 40 years ago from Mathews County. She indicated she received a call to build a home for the homeless 30 years ago, and through this initiative she is confident they will turn out some victorious citizens.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Discussion followed regarding the number of residents the facility will accommodate and meeting the need of the community.

Mr. Wiggins stated he would like to see a condition in the use permit prohibiting any addition to the facility. Also, he stated the area neighbors would like to have a good fence running along the back of the property. He stated he would also like to see a condition in the use permit requiring all residents of the facility to be York County residents. Mr. Wiggins moved that the proposed use permit be amended to add conditions prohibiting any addition to the facility, the construction of a fence running along the back side of the property, and requiring all residents of the facility to be York County residents.

Mr. Shepperd stated the concept is a very good idea, but the only one of the three conditions proposed by Mr. Wiggins he would support is the fence because he understood the privacy concern. He stated these types of organizations will survive on their merit and mission. He indicated that because of the property there is a possibility for expansion, and he would support that expansion. Mr. Shepperd stated that limiting residency to York County residents he could not support. He stated he likes that York County has priority, but he would like these people to execute their mission appropriately.

Mr. Zaremba and Mrs. Noll indicated their support of Mr. Shepperd's statement.

Mr. Shepperd then moved to amend Mr. Wiggins motion to add only one condition that would require a fence to be erected along the back property line.

On roll call on Mr. Shepperd's amended motion, the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay:	(0)	

Mrs. Noll then moved the adoption of proposed Resolution R03-168(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A TRANSITIONAL HOME AT
124 GOODWIN NECK ROAD

WHEREAS, Faith for Living Deloris Borum Ministries, Inc., has submitted Application No. UP-621-03, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, to authorize construction of a transitional home on a 3.35-acre parcel located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of October, 2003, that Application No. UP-621-03 be, and it is hereby, approved to authorize a Special Use Permit for the establishment of a transitional home on a 3.35-acre parcel located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171 subject to the following conditions:

1. This use permit shall authorize the construction of a transitional home located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Natasha House, Faith for Living Deloris Borum Ministries, Inc.," cover sheet with architectural elevation received by the Planning Division 7/17/2003, and Sheets A1 and A2, dated 9/1/2003 and received by the Planning Division 9/2/2003, prepared by Leon K. Smith, Architect.
3. Operation of the facility shall be in compliance with Zoning Ordinance section 24.1-408, "Standards for group homes (with more than 8 occupants) and transitional homes."
4. Any future subdivision of the subject parcel shall provide a lot size of at least 80,000 square feet for the resultant parcel to contain the transitional home.
5. Residential capacity shall be determined by the Virginia Uniform Statewide Building Code, but in no case shall the number of persons residing in the facility at any one time, exclusive of staff, exceed fifteen (15).
6. The facility shall be operated in accordance with the program descriptions contained in the document "Natasha House Policy Program, Faith for Living Deloris Borum Ministries, Inc.," submitted by the applicant and received by the Planning Division 7/10/2003, and which is made a part of this Resolution by reference.
7. The existing single-family dwelling on the property shall be demolished or removed from the property prior to issuance of building permits for the transitional home.
8. All outdoor lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way.
9. Minimum required parking spaces shall be calculated based on one space per bedroom, two spaces for visitors, and one space for each employee on site during the largest shift.
10. A sidewalk connection shall be installed linking the proposed building to the existing sidewalk located parallel to the front property line.
11. As required by the County Fire Chief, an eighteen-foot (18') wide fire lane shall be established to service the rear of the building. The fire lane shall not be located within

the side landscape yards required pursuant to Section 24.1-244 of the Zoning Ordinance.

12. A minimum 50% of trees and shrubs required for the front and side landscape yards shall be evergreen species to facilitate screening of the parking area from the road right-of-way and afford the facility screening from the abutting non-residential uses.
13. The entrance driveway shall be constructed to VDOT standards.
14. A wooden privacy fence with a minimum height of six (6) feet shall be installed along the property line abutting the lots in the adjacent Acree Acres subdivision.
15. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
16. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
 Nay: (0)

APPLICATION NO. UP-622-03, COLSON AND COLSON CONSTRUCTION COMPANY

Mr. Carter made a presentation on Application No. UP-622-03 to consider approval of a use permit to authorize the establishment of a 118-suite senior housing-congregate care facility on Fort Eustis Boulevard. The Planning Commission considered the application and recommended approval. Staff recommends approval through the adoption of proposed Resolution R03-169.

Mr. Zaremba spoke of his concern about the age of the residents. He stated there is a large chance of these individuals becoming disabled before they die. He asked what happens if a person in this facility becomes disabled.

Mr. Carter stated this facility would have limited skilled medical or nursing capabilities. It will not be a skilled nursing or assisted living facility. He indicated if a resident has those needs, they will need to be relocated to another facility.

Mr. Shepperd asked what consideration has been given to an evacuation plan for this group.

Mr. Carter stated the facility will have backup generator capability. The applicant will work closely with the County's building code people and fire professionals to make sure that all the necessary safety measures are included in the facility. He stated the applicant will be required to provide an evacuation plan and state how it will be implemented if it becomes necessary.

Mr. Donald Davis, 3630 George Washington Memorial Highway, representing Colson and Colson, stated Mr. Carter did an excellent job providing background information on the application. He noted there would be only one access to the site and it will include only 118 units. He stated that Colson and Colson has built many of these facilities, and they have perfected this type of congregate care facility. They have targeted this particular site because of its access to major roadways and potential healthcare facilities as well as the type of lifestyle the area can provide. Mr. Davis noted the potential residents are generally in good health. Transportation will be provided to shopping and other entertainment. The development has only 14 units per acre and is to be compatible with other area developments. All meals will be pro-

vided for the residents, and housekeeping services will be provided. There will be a large number of planned activities. Most people who live in these facilities come from the locality in which it's built. Mr. Davis stated it was an excellent project with a very low but positive impact to the community.

Mr. Wiggins stated the residents of Edgehill and Burnt Bridge have concerns. He stated he feels this is a fine project for this piece of property. Traffic congestion is always a concern, so this is a plus for the project because the traffic impact will be minimal. Mr. Wiggins indicated the major concern is drainage. He expressed his hope that the developer has taken the drainage issues into consideration and will do whatever can be done to help out with the drainage problems.

Mr. Davis noted that the developer agreed that the traffic impact will be extremely low; under other scenarios the impact could be 10-20 times greater. Concerning drainage, Mr. Davis stated that the Edgehill subdivision is in a scarf, but the property in question drains to the south toward the reservoir. Mr. Davis addressed plans and studies that would have to be completed before construction could begin.

Discussion followed concerning the facility's compatibility to the surrounding area and meeting a need of the community, as well as discussion on the amenities the facility would provide to its residents.

Chairman Burgett then called to order a public hearing on Application No. UP-622-03 that was duly advertised as required by law. Proposed Resolution R03-169 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 118-SUITE SENIOR HOUSING CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba stated he doesn't like the concept because he has had experience with a like facility in Williamsburg that puts people on the street at the point in life when they most need assistance because they don't provide that service. Then the family has to find other options such as a nursing home. He agreed there is an absolute need for this type of facility, but noted it was disturbing to him that the concept doesn't go far enough.

Mrs. Noll stated this was just a beginning, and she asked what the policy would be for this facility. She noted that surely they would give the residents and their families time to make other arrangements.

Mr. Carter indicated he did not know what the policy would be. He stated this particular company specializes in congregate care, and he was sure they are good at what they do or they wouldn't be as large as they are. He stated if the facility fills up, they are fulfilling a need, and the people have chosen to take the opportunity to take advantage of the facility while they can. Mr. Carter noted the alternative would be to stay where they are. He stated he feels the Board will see future proposals for assisted living facilities and perhaps full service facilities for the County.

Mr. Wiggins then moved the adoption of proposed Resolution R03-169 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 118-SUITE SENIOR HOUSING CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

WHEREAS, Colson and Colson Construction Company has submitted Application No. UP-622-03, which requests a Special Use Permit to authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on

Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of October, 2003, that Application No. UP-622-03 be, and it is hereby, approved to authorize a Special Use Permit for the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Yorktown Congregate Care Facility," prepared by Curry Brandaw Architects and dated July 28, 2003, supplemented by the project narrative submitted by the applicant, except as modified herein.
3. Development of the property shall be subject to the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.
4. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
5. A sidewalk or other walkway shall be constructed to provide safe and convenient pedestrian access from the congregate care facility to the developed commercial property to the east (McDonald's restaurant).
6. The maximum number of resident suites shall be 118.
7. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Fort Eustis Boulevard and adjacent properties and shall incorporate the use of full cut-off luminaires.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
 Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the September 16, 2003, Regular Meeting of the Board of Supervisors were approved.

Item No. 4. PERSONNEL POLICIES AND PROCEDURES MANUAL: Resolution R03-146

A RESOLUTION TO AMEND AND READOPT AS COUNTY POLICY
 THE PERSONNEL POLICIES AND PROCEDURES MANUAL TO
 BECOME EFFECTIVE OCTOBER 1, 2003

WHEREAS, it is the desire of the Board of Supervisors to consolidate and structure all formal personnel policies within the County into a single document subject to the annual review and approval of the Board of Supervisors; and

WHEREAS, the Board has caused such Personnel Policies and Procedures Manual to be developed and submitted for its consideration; and

WHEREAS, the Personnel Policies and Procedures Manual was approved and adopted by the Board by Resolution R91-287 on December 19, 1991, and the Board has subsequently reviewed and amended this Manual on an annual basis; and

WHEREAS, in accordance with County policy, staff has completed the required annual review of the Personnel Policies and Procedures Manual for the current year and the County Administrator has submitted certain revisions and changes to the Manual for consideration by the Board which are incorporated into a revised manual dated October 1, 2003;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of October, 2003, that the document identified as the York County Personnel Policies and Procedures Manual, amended as set out in the County Administrator's memorandum of September 2, 2003, be adopted by the Board with an effective date of October 1, 2003.

Item No. 5. SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM: Resolution R03-174

A RESOLUTION TO IDENTIFY YORK COUNTY PRIORITIES FOR
 INCLUSION IN THE FY2005 - 2010 SIX-YEAR IMPROVEMENT
 PROGRAM TO BE DEVELOPED BY THE COMMONWEALTH
 TRANSPORTATION BOARD

WHEREAS, the Commonwealth Transportation Board has announced a series of public hearings to be conducted across the Commonwealth for the purpose of soliciting comments and recommendations from local jurisdictions concerning necessary highway improvements

and the establishment of priorities for inclusion in the FY 2005 – 2010 Six-Year Improvement Program for Interstate and Primary System needs; and

WHEREAS, the York County Board of Supervisors recognizes and appreciates the difficult task that faces the Commonwealth Transportation Board as it works to develop a revised and updated Six-Year Improvement Program; and

WHEREAS, the Board recognizes that transportation system improvement needs far exceed available revenues and that it is impossible to fund all priorities; and

WHEREAS, the Board enthusiastically supports development of a Plan that includes level or increased funding for maintenance to guard against severe deterioration of the transportation network; and

WHEREAS, the Board has carefully reviewed the transportation system needs for York County and the Virginia Peninsula and has developed a list of the projects that it considers critical to the transportation, economic development and quality of life needs of the area.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of October, 2003, that it does hereby adopt the following recommended program of priorities and projects for consideration by the Commonwealth Transportation Board:

Priority 1 – Route 17 Widening from 4 to 6 lanes between Route 134 and Route 171; estimated cost - \$7 million;

Priority 2 – Route 105 Widening between Jefferson Avenue and Route 17;

Priority 3 – Interstate 64 Widening to Route 199 (east interchange);

Priority 4 – Route 171 Widening from 4 to 6 lanes between Route 17 and Route 134;

Priority 5 – Route 171 Widening from 2 to 4 lanes between Route 134 and Poquoson city limits.

BE IT FURTHER RESOLVED that the Board of Supervisors strongly encourages the Commonwealth Transportation Board to consider the aesthetics of all transportation projects and to include sufficient funding in all project budgets for appropriate landscaping.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to transmit the information contained in this resolution to the Commonwealth Transportation Board to be entered into the record of the Hampton Roads District Allocation Hearing as the official position of the York County Board of Supervisors and to forward copies to the Commissioner and all others deemed appropriate.

BE IT STILL FURTHER RESOLVED that the Commonwealth Transportation Board be, and hereby is, commended for its cooperation in attending to those needs identified within York County and its neighboring communities.

Item No. 6. WAIVER OF BUILDING PERMIT FEES AND TEMPORARY DWELLING PERMIT SURETIES: Ordinance No. 03-39

AN ORDINANCE FOR THE TEMPORARY WAIVER OF BUILDING PERMIT FEES ON PERMITS FOR THE REPAIR AND RECONSTRUCTION OF BUILDINGS DAMAGED OR DESTROYED BY HURRICANE ISABEL, AND TEMPORARILY WAIVING THE REQUIREMENT FOR A \$2,500 SURETY FOR THE PLACEMENT OF A TEMPORARY DWELLING ON PRIVATE PROPERTY PURSUANT TO YORK COUNTY CODE § 24.1-445 (e) IF REQUIRED FOR THE RECONSTRUCTION OR REPAIR OF A RESIDENCE DAMAGED OR DESTROYED BY HURRICANE ISABEL, AND ALLOWING THE

USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS NOTWITHSTANDING THE PROVISIONS OF COUNTY CODE § 24.1-271

WHEREAS, on September 18, 2003, Hurricane Isabel caused substantial damage to property in York County, including in numerous instances the damage to or destruction of buildings and structures, including but not limited to residential structures; and

WHEREAS, as a means of assisting the citizens of York County in repairing damage caused by Hurricane Isabel, the County Board of Supervisors desires to adopt this emergency ordinance pursuant to Code of Virginia §15.2-1427(F), waiving in certain instances the imposition of building permit fees as required by County Code §7.1-8 and the surety required by the placement of a temporary home on property while constructing a permanent residence as required by County code §24.1-445(e), and allowing the use of recreational vehicles as temporary dwellings without the restrictions imposed by County Code §24.1-271(h).

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 21st day of October, 2003, that until November 18, 2003, the requirement for the payment of a building permit fee as is otherwise required by County Code §7.1-8, and the requirement to post a surety in the amount of \$2,500 in connection with the use of a temporary dwelling for residential occupancy during construction or repair of a permanent residence, shall be waived provided that the following conditions are met:

1. The building permit, or the use of the temporary dwelling, is for the purpose of reconstructing or repairing a building or other structure damaged or destroyed by floodwaters, high winds, or other circumstances resulting directly from Hurricane Isabel.
2. With respect to administrative permits issued pursuant to County code §24.1-445 for the use of temporary dwellings, a building permit for the construction or repair of the permanent residence shall have been obtained prior to the placement or erection of the temporary dwelling on the property.
3. A temporary dwelling placed on property pursuant to County code §24.1-445 must be removed prior to the issuance of the permanent certificate of occupancy for the reconstructed or repaired residence, provided, however, that a temporary certificate of occupancy, the term of which shall not exceed thirty (30) days, may be issued to allow the transfer of furnishings and possessions from the temporary dwelling to the permanent residence prior to the removal of the temporary dwelling from the site.
4. Administrative permits issued pursuant to County code §24.1-445 may be issued to allow recreational vehicles to be utilized as a temporary dwelling and to be placed on the subject property notwithstanding the provisions of County code §24.1-271 (h) which otherwise restricts the placement of recreational vehicles on a parcel.
5. Except to the extent modified herein, the provisions of York County code §§7.1-8, 24.1-271(h), and 24.1-445, shall continue in full force and effect.
6. This ordinance shall be deemed to have become effective as of September 18, 2003, and any actions taken pursuant to the adoption of this emergency ordinance by the County Administrator or his designees in waiving the requirements for building permit fees or sureties for the use of temporary dwellings are hereby ratified.

NEW BUSINESS

ISSUANCE OF LEASE REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY

Mr. McReynolds reviewed proposed Resolution R03-173 to request the Industrial Development Authority to issue lease revenue bonds to finance various county capital projects.

Mr. Zaremba asked what this action would do to the County's bond rating.

Mr. McReynolds stated it should have no effect on the County's bond rating because the County has sufficient debt capacity.

Mr. Zaremba asked Mr. McReynolds to provide the Board with a diagram of the County's debt for the benefit for the Board so the members will know the current status.

Mrs. Noll then moved the adoption of proposed Resolution R03-173 that reads:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF YORK, VIRGINIA REQUESTING THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA, TO
ISSUE LEASE REVENUE BONDS TO FINANCE VARIOUS COUNTY
CAPITAL PROJECTS

The Board of Supervisors of the County of York, Virginia ("County") has determined that it is necessary and advisable to undertake the acquisition, construction, improvement, renovation and equipping of certain capital projects for the County (the "Projects"), and to obtain financing for the Projects through lease revenue bonds ("Bonds") to be issued by the Industrial Development Authority of York County, Virginia ("Authority"). The County will lease certain of the Projects to the Authority pursuant to a lease ("Lease") and will lease those Projects back from the Authority pursuant to a Financing Lease. The Bonds will be payable solely from the revenues derived from the Financing Lease from the Authority to the County ("Financing Lease") pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds.

The Bonds will be issued pursuant to the following documents: (i) an Indenture of Trust between the Authority and a trustee to be selected by the County Administrator ("Trustee"), with the form of the Bonds attached thereto; (ii) the Lease; (iii) the Financing Lease; (iv) a Leasehold Deed of Trust from the Authority to the individual trustees named therein; (v) an Assignment of Rents and Leases between the Authority and the Trustee; (vi) a Preliminary Official Statement ("Preliminary Official Statement") and an Official Statement ("Official Statement") with respect to the issuance and sale of the Bonds; and (vii) a Bond Purchase Agreement ("Bond Purchase Agreement") among the County, the Authority and the underwriters for the Bonds ("Underwriters"). All of the documents listed above, except the Bonds, the Preliminary Official Statement and the Official Statement are referred to in this Resolution as the "Basic Documents".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA, this the 21st day of October, 2003:

1. Issuance of Bonds. The County requests the Authority to issue its Bonds in the maximum amount of \$18,000,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Lease.
2. Authorization of Basic Documents. The County Administrator and the Chairman of the Board of Supervisors, or either of them, are authorized to approve the Bonds and the Basic Documents, which approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County under the Bonds and the Basic Documents to which it is a party are authorized.
3. Execution of Documents. The Chairman and Vice Chairman of the Board of Supervisors and the County Administrator, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the County Administrator is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, pre-

viously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Sale of Bonds. The County Administrator and the Chairman of the Board of Supervisors or either of them, is authorized and directed accept a proposal from a firm or firms to serve as Underwriters and to consent to the terms of the sale of the Bonds by the Authority to the Underwriters and to execute and deliver the Bond Purchase Agreement, provided that (i) the true interest cost of the Bonds shall not exceed 6.0%, (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds to the Underwriters shall not be less than 97% of the aggregate principal amount thereof (not taking into account any original issue discount) and (iv) the final maturity of the Bonds shall not be later than approximately 20 years from their date. The approval of such officers shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.
5. Disclosure Documents. The County Administrator and the Director of Finance, or either of them, and such officers and agents of the County as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate preliminary official statement and official statement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The preliminary official statement, official statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Administrator, or such officers and agents of the County as he may designate, shall determine. The County Administrator is authorized to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.
6. Nature of Obligations. Nothing in this Resolution, the Bonds or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this Resolution, the Bonds or the Financing Lease shall constitute a pledge of the full faith and credit of the County.
7. Official Intent. The Board of Supervisors of the County adopts this Resolution as a declaration of official intent for purposes of Treasury Regulations Section 1.150-2.
8. Effective Date. This Resolution shall take effect immediately.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Meeting Adjourned. At 9:34 p.m. Chairman Burgett declared that the meeting be adjourned sine to 6:00 p.m., Tuesday, October 28, 2003, in the East Room, York Hall, for the purpose of conducting a work session.

